

REMARKS

Claims 1-14 and 16-25 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claim 19 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Yubakami et al (U.S. Pat. No. 4,785,275). This rejection is respectfully traversed.

Claim 19

At the outset, the Applicants submit that the amendments to claim 19 has rendered the above rejection moot. Claim 19 has been amended to clarify that the particles each comprise a magnetically responsive core, surrounded by a outer hydrophobic layer that is at least partially removable and an inner hydrophilic layer.

Yubakami et al disclose particles and surfactant in an aqueous dispersion. Yubakami states “In aqueous magnetic dispersion, surfactant forms a double layer to surround a magnetic fine particle. That is to say, the hydrophobic group of the surfactant of the first layer is adsorbed on the magnetic fine particle, and the hydrophobic group of the surfactant of the first layer confronts the hydrophobic group of the surfactant of the second layer, so that the hydrophilic group of the surfactant of the second layer is directed toward the dispersion medium”.

Contrary to Yubakami, the magnetically guided carrier composition of Claim 19 includes particles that comprise a magnetically responsive core, surrounded by an outer hydrophobic layer that is at least partially removable, and an inner hydrophilic layer. The hydrophobic layer on the outside of the particle camouflages the particle such that it

initially displays hydrophobic properties, and may be cleaved to at least partially remove the hydrophobic layer to yield a particle with hydrophilic functionality. Upon removal of at least a part of the hydrophobic layer, the particle may degrade on the inside to facilitate the release of drugs or any substance to locations or tissue within the body where a magnetic field is applied. (See paragraphs 0027-0028 and 0031-0032 of the present application as published in 20040096511). Thus, Yubakami does not anticipate the claimed magnetically guided carrier composition, which includes particles having an *outer hydrophobic layer*, and an *inner hydrophilic layer*. As such, the Applicants submit that amended claim 19 is allowable for at least these reasons.

REJECTION UNDER 35 U.S.C. § 112

Claims 20-24 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Applicants have amended claims 20-24 to depend from claim 19, to correct the dependency defect noted in the Office Action. The Applicants submit that claims 20-24, which depend from claim 19 that Applicants believe to be allowable, are also allowable for at least these reasons.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al (U.S. Pat. No. 5,921,244) in view of Yubakami et al (U.S. Pat. No. 4,758,275). This rejection is respectfully traversed.

The Examiner indicated that claim 15 would be allowable if rewritten in independent form to include all the limitations of the base claim. Accordingly, the Applicants have rewritten claim 1 to include the subject matter of dependent claim 15. Thus, the Applicants submit that amended claim 1 is now in a condition for allowance.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 15-18 would be allowable if rewritten in independent form. Accordingly, Applicants have amended claim 16 to include the subject matter of claim 1. Therefore, claim 16 should now be in condition for allowance. Claims 17-18 should also be allowable by virtue of their dependence from claim 16, which the Applicants believe to be allowable in view of the above amendment. Applicants have cancelled claim 15, as the subject matter of this claim has been amended into claim 1.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

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